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EXAMINER	
ISMAIL, SHAWKI SAIF	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/776,478	ZHAO, YAN	
	Examiner	Art Unit	
	Shawki S. Ismail	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-7, 9-37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on September 8, 2005. Claims 1 and 10 have been amended. Claim 8 has been cancelled. Claims 27-37 have been newly added. Claims 1-7 and 9-37 are pending.

2. References in applicant's IDS form 1449 received on September 8, 2005 have been considered.

Previous Rejection Maintained

3. The rejection is respectfully maintained as set forth in the last Office Action sent mailed out on June 3, 2005. Applicant's arguments with respect to claims 1-7, 9-26 and newly added claims 27-37 have been fully considered but they are not deemed to be persuasive and therefore, the previous rejection is maintained.

Claim Rejections - 35 USC §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-2, 4-7 and 9-37, are rejected under 35 U.S.C. 102(e) as being anticipated by **Gupta et al. (Gupta)**, U.S. Patent No. **6,763,384**.

6. As to claims 10, Gupta teaches a client/server communication framework to facilitate communications to one or more clients using hyper-text transfer protocol (HTTP) comprising:

a first server (see Fig. 4, application server 20) in an application server to send a first message to a second server (see Fig. 4, notification sever 30) in the application server, and also to provide information to one or more clients using HTTP, wherein the first message includes fetching instructions for the information (see Fig. 4, clients 114-118, col. 8, lines 11-29);

the second server in the application server, coupled to the first server, to receive the first message from the first server, to store the first message, and to send the first message to an application client at a later time in response to receiving an HTTP polling request from the application client and determining that the first message was previously stored (col. 1, lines 55-67, col. 7, lines 3645 and col. 9, lines 20-35 col. 8, lines 11-29) ; and

the application client to send the HTTP polling request to the second server, to receive the first message from the second server, and to distribute the first message to a first client in the application client (col. 1, lines 55-67, col. 8, lines 11-29).

7. As to claims 11, Gupta teaches the client/server communication framework of claim 10, wherein the first server is a server for an application, the second server is a communication server, the first client is a client for the application, and the application client further comprises a communication client (see Fig. 4, col. 8, lines 30-43, col. 9, lines 20-35).

8. As to claims 12, Gupta teaches the client/server communication framework of claim 10, further comprising a memory location to store messages received by the second server (col. 5, lines 4-21, col. 7, lines 36-45, the notification server is able to store notifications intended for clients).

9. As to claims 13, Gupta teaches the client/server communication framework of claim 12, wherein the messages are stored in a hashtable (col. 5, lines 4-21, it is inherent that the database 42 contains hashtables).

10. As to 'claims 14, Gupta teaches the client/server communication framework of claim 10, wherein the first message includes information identifying the first client and the application (col. 9, lines 30-35).

11. As to claims 15, Gupta teaches the client/server communication- framework of claim 10, further comprising;

a third server to provide information to one or more clients using HTTP protocol, wherein the second server is coupled to the third server to receive a second message from the third server (see Fig. 4, col. 9, lines 20-35),

wherein the second message is intended to be sent to a third client using HTTP protocol; and wherein the second message is sent to the third client in response to the same or consecutive polling requests by the second client (col. 1, lines 55-67, col. 9, lines 20-35).

12. As to claims 16, Gupta teaches the client/server communication framework of claim 10, wherein the first server is an application in a web server, and wherein the one or more clients are web-based clients (see Fig. 1, Fig. 2a).

13. As to claims 17, Gupta teaches the client/server communication framework of claim 10, wherein the first message is used to instruct the first client to fetch information from the first server using HTTP protocol (col. 8, lines 11-29, the user signs up to receive notification whenever there is a change in the highest bid of an online auction and then the use can then access the server to receive more information).

14. As to claims 18, Gupta teaches the client/server communication framework of claim 10, wherein the first message is consumed by the first client directly (col. 8, lines 11-29, the user signs up to receive notification whenever there is a change in the highest bid of an online auction).

15. As to claims 1-2 4-5, 7-9, 19-26, they have similar limitations of claims 10, 12-13,15-18; therefore rejected under the same rational.

16. As to claim 6, Gupta teaches a two-tier hashtable (col. 13, lines 45-50, it is inherent that database 42 contains a multi-tier hash table in order to be able to better store and retrieve the information).

17. As to claim 27, Gupta teaches a computer-implemented method comprising:

determining, by a server-side application, that application data intended for a client-side application is available (col. 8, lines 31-34);

sending, by the server-side application, a communication initiation message to a communication server, wherein the communication initiation message includes a client identifier associated with the client-side application and includes fetching instructions for the application data (col. 8, lines 31-34);

receiving the communication initiation message by the communication server (col. 8, lines 36-43);

storing, by the communication server, the communication initiation message in a message buffer (col. 8, lines 51-55);

sending, by a communication client associated with the client-side application, a polling request to the communication server, wherein the polling request includes the client identifier (col. 8, lines 21-25);

receiving the polling request by the communication server (col. 8, lines 21-25);

in response to receiving the polling request, the communication server checking the message buffer for one or more communication initiation messages associated with the client identifier (col. 8, lines 36-40);

when the message buffer includes a communication initiation message associated with the client identifier, the communication server retrieving the communication initiation message from the message buffer and sending the communication initiation message to the communication client (col. 8, lines 36-40);

receiving the communication initiation message by the communication client (col. 8, lines 36-40 and col. 9, lines 25-26);

distributing, by the communication client, fetching instructions within the communication initiation message to the client-side application (col. 9, lines 30-34);

receiving the fetching instructions by the client-side application (col. 8, lines 11-20, a notification regarding an event is provided to the client);

based on the fetching instructions, the client-side application sending an application data request to the server-side application (col. 8, lines 58-64, the client application retrieves information regarding the event by contacting a content server where the event is taking place);

receiving the application data request by the server-side application (col. 8, lines 58-64, a server-side application retrieves the client request and attempts to deliver the content to the client);

sending, by the server-side application, the application data to the client-side application (col. 8, lines 58-64, the requested data is sent to the client device for viewing); and

receiving the application data by the client-side application (col. 8, lines 58-64, the client is able to view the data which he/she received notification about from the notification server).

18. Claims 28-37 do not teach or define any new limitations above claims 1-27 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gupta et al. (Gupta),** U.S Patent No. **6,763,384** as applied to claim 1 and further in view of **Betros et al. (Betros),** U.S. Patent Application Publication No. **US2002/0099795 A1**.

21. As to claim 3, Gupta teaches the invention substantially as discussed above; however, Gupta does not explicitly indicate the step of providing a communication servlet coupled between the communication server and the communication client.

Betros teaches a servlet configured to operate within or in conjunction with the web server, and being further configured to communicate with the client side logic (pages 1 2, paragraph [0015]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Gupta and Betros to provide a communication servlet coupled between the communication server and the communication client because it would allow two way asynchronous communication between server and client (page 1, col. 2, paragraph [0012]).

Response to Arguments

22. Applicant's arguments with respect to claims 1-7 and 9-26 and newly added claims 27-37 filed on September 8, 2005 have been fully considered but they are not deemed to be persuasive.

23. In the remarks, the applicant argues in substance that:

(A) Argument: Gupta does not disclose a fist server sending a message to a second server, where the message includes information intended to instruct a first client to fetch data from the first server.

Response: Gupta teaches wherein a client enrolls with an application server to receive notification messages regarding event such as current highest bid in an on-line auction site. Once the application server (first server) detects an event that a client is interested in will communicate with a notification server (second server) to notify the

client of the event. The information received at the client device will be data relating to the event the user is interested in such as the current highest bid in the auction. If the client wants to access the auction site in order to view or participate in the auction he/she will need to access the server in order to access the auction site, and therefore, Gupta meets the scope of the claimed limitation (col. 8, lines 11-29 and col. 8, lines 58-66).

(B) Argument: Gupta does not disclose the concept of polling requests for messages from an application client

Response: Gupta teaches that when the user wants to start receiving notification messages, the client process connects to the notification server and sends a message, which comprises the identity of the client process together with its receiving identifier. The message sent to the notification server is the polling request from the client to server because it is a way of telling the server that the client is now on-line send any message associated with the client identifier to the client, and therefore, Gupta meets the scope of the claimed limitation (col. 8, lines 11-29).

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
November 23, 2005

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER